

(fw) 3738

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
110/02239

In Re Application Of: Oren GLOBERMAN et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/898,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

Title: EXPANDABLE INTERVERTEBRAL SPACER



Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
**(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
 110/02239

In Re Application: **Oren GLOBERMAN et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/890,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

**THE EXPANDABLE INTERVERTEBRAL SPACER**



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

A check in the amount of \_\_\_\_\_ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.

- Charge the amount of \_\_\_\_\_
- Credit any overpayment.
- Charge any additional fee required.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. \_\_\_\_\_)

(Date) \_\_\_\_\_

*Signature*

*Typed or Printed Name of Person Signing Certificate*

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_

(Date) \_\_\_\_\_

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Certificate*

\*This certificate may only be used if paying by deposit account.

*Signature*

Maier FENSTER, Reg. No. 41,016

Dated: **March 1, 2005**

**William H. Dippert, Esq.**

**Reed Smith LLP**

**599 Lexington Avenue, 29th Floor**

**New York, NY 10022-7650**

**Tel: (212) 521-5400**

**CC:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

**SEVENTH SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
 Hon. Commissioner of Patents and Trademarks  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and §MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that the items 1 – 32 listed on the 1449 form submitted herewith, were all cited in the US Patent 6,676,665 to Foley, et al. Applicants further point out that the claims from the 6,676,665 patent were added to the present application in an earlier submission in order to secure applicant's rights under 35 U.S.C. 135(b), and which are being cancelled in the amendment filed concurrently with the present IDS.

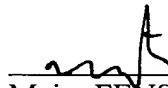
<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated there between; if no such English language equivalent is cited then none is known to the undersigned.

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Oren GLOBERMAN, et al.



---

Maier FENSTER,  
Registration No. 41,016

March 1, 2005

William H. Dippert, Esq.  
Reed Smith LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, NY 10022-7650

Tel: (212) 521-5400

<b>INFORMATION DISCLOSURE CITATION</b> <div style="text-align: right;">(Use several sheets if necessary)</div> <div style="text-align: center;">  </div>	ATTY DOCKET NO. <b>110/02239</b>		SERIAL NO. <b>09/890,172</b>
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>		
	FILING <b>July 25, 2001</b>	GROUP <b>3738</b>	

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
1.	<b>817,973</b>	<b>17 Apr 1906</b>	<b>HAUSMANN, C. F.</b>			
2.	<b>4,204,531</b>	<b>27 May 1980</b>	<b>AGINSKY, Y.</b>			
3.	<b>4,854,312</b>	<b>8 Aug 1989</b>	<b>RAFTOPOULOS, D et al</b>			
4.	<b>4,995,868</b>	<b>26 Feb 1991</b>	<b>BRAZIER, G.</b>			
5.	<b>5,074,871</b>	<b>24 Dec 1991</b>	<b>GROSHONG, L.</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
6.	<b>2002/0072768</b>	<b>13 Jun 2002</b>	<b>GINN, R.</b>			

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

<b>EXAMINER</b>		<b>DATE CONSIDERED</b>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <small>(Use several sheets if necessary)</small>	ATTY DOCKET NO.	SERIAL NO.
	110/02239	09/890,172
	APPLICANT(S)	
	<b>Oren GLOBERMAN et al.</b>	
FILING	GROUP	
July 25, 2001	3738	



### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
7.	<b>5,390,683</b>	<b>21 Feb 1995</b>	<b>PISHARODI, M.</b>			
8.	<b>5,423,850</b>	<b>13 Jun 1995</b>	<b>BERGER, J.</b>			
9.	<b>5,480,400</b>	<b>2 Jan 1996</b>	<b>BERGER, J.</b>			
10.	<b>5,554,101</b>	<b>10 Sep 1996</b>	<b>MATULA, P. et al</b>			
11.	<b>5,637,097</b>	<b>10 Jun 1997</b>	<b>YOON, I.</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <small>O I P E (Use several sheets if necessary)</small> <small>APR 04 2005</small> <small>PATENT &amp; TRADEMARK OFFICE</small>	ATTY DOCKET NO. <b>110/02239</b>		SERIAL NO. <b>09/890,172</b>
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>		
	FILING <b>July 25, 2001</b>	GROUP <b>3738</b>	

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	<b>12. 5,685,826</b>	<b>11 Nov 1997</b>	<b>BONUTTI, P.</b>			
	<b>13. 5,690,606</b>	<b>25 Nov 1997</b>	<b>SLOTMAN, G.</b>			
	<b>14. 5,707,390</b>	<b>13 Jan 1998</b>	<b>BONUTTI, P.</b>			
	<b>15. 5,755,732</b>	<b>26 May 1998</b>	<b>GREEN, D. , et al</b>			
	<b>16. 5,782,713</b>	<b>21 Jul 1998</b>	<b>YANG, S.</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <small>(Use several sheets if necessary)</small>	ATTY DOCKET NO.	SERIAL NO.
	110/02239	09/890,172
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>	
	FILING <b>July 25, 2001</b>	GROUP <b>3738</b>



### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	17.	5,782,747	21 Jul 1998	ZIMMON, D.			
	18.	5,785,647	28 Jul 1998	TOMPKINS, C., et al			
	19.	5,865,802	2 Feb 1999	YOON, I., et al			
	20.	5,882,340	16 Mar 1999	YOON, I., et al			
	21.	5,972,015	26 Oct 1999	SCRIBNER, R., et al			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


**EXAMINER** **DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <small>Use several sheets if necessary)</small>		ATTY DOCKET NO. <b>110/02239</b>		SERIAL NO. <b>09/890,172</b>	
		APPLICANT(S) <b>Oren GLOBERMAN et al.</b>			
		FILING <b>July 25, 2001</b>		GROUP <b>3738</b>	



### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
22.	<b>6,039,761</b>	<b>21 Mar 2000</b>	<b>LI, L., et al</b>			
23.	<b>6,127,597</b>	<b>3 Oct 2000</b>	<b>BEYAR, M., et al</b>			
24.	<b>6,146,401</b>	<b>14 Nov 2000</b>	<b>YOON, I., et al</b>			
25.	<b>6,149,664</b>	<b>21 Nov 2000</b>	<b>KURZ, D.</b>			
26.	<b>6,187,015</b>	<b>13 Feb 2001</b>	<b>BRENNEMAN, R.</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	ATTY DOCKET NO.	SERIAL NO.
	110/02239	09/890,172
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>	
	FILING <b>July 25, 2001</b>	GROUP <b>3738</b>

*APR 04 2005*  
PATENT & TRADEMARK OFFICE

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
27.	<b>6,190,381</b>	<b>20 Feb 2001</b>	<b>OLSEN, P., et al</b>			
28.	<b>6,214,016</b>	<b>10 Apr 2001</b>	<b>WILLIAMS, T., et al</b>			
29.	<b>6,228,068</b>	<b>8 May 2001</b>	<b>YOON, I.</b>			
30.	<b>6,228,082</b>	<b>8 May 2001</b>	<b>BAKER, M., et al</b>			
31.	<b>6,325,812</b>	<b>4 Dec 2001</b>	<b>DUBRUL, W., et al</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

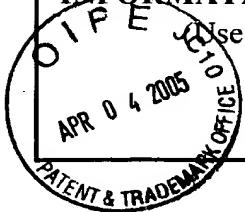
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <small>(Use several sheets if necessary)</small>	ATTY DOCKET NO. <b>110/02239</b>		SERIAL NO. <b>09/890,172</b>
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>		
	FILING <b>July 25, 2001</b>		GROUP <b>3738</b>
			

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
32.	<b>5,752,969</b>	<b>19 May 1998</b>	<b>CUNCI, O., et al</b>			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop: Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
Date \_\_\_\_\_

  
Geraldine Gress

Reed Smith LLP  
599 Lexington Avenue  
29th Floor  
New York, New York 10022-7650  
Tel: 212-521-5400; Fax: 212-521-5450

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Oren Globerman, et al.  
Serial No: 09/890,172  
Filing Date: July 25, 2001  
For: Expandable Intervertebral Spacer  
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Seventh Supplemental Information Disclosure Statement (2 pages); (3) IDS Citation (7 pages) w/thirty-two references; (4) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.